

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CV-460-FL

CAROLINA POWER & LIGHT)
COMPANY d/b/a PROGRESS ENERGY)
CAROLINAS, INC.,)
Plaintiff,)
v.)
3M COMPANY, et al.,)
Defendants.)

ORDER

NO. 5:08-CV-463-FL

CONSOLIDATION COAL COMPANY,)
Plaintiff,)
v.)
3M COMPANY, et al.,)
Defendants.)

This matter comes before the court on a number of non-dispositive motions filed by various parties. Currently pending are:

- 1) Plaintiff Carolina Power & Light Company's ("CP&L") consent motion for extension of time to respond to defendant Wartburg College's motion to set aside entry of default (CP&L DE # 359);
- 2) Counsel Scott Lewis and Hendrick, Gardner, Kincheloe & Garofalo, LLP's motion to withdraw as counsel for defendant Dean's Light Box, Inc. (CP&L DE # 363,

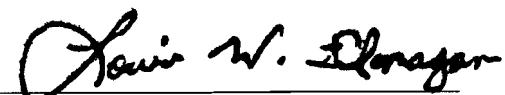
Consol DE # 362);

3) Motions for leave to file answer and affirmative non-CERCLA defenses out of time by defendants Arkema, Inc. (CP&L DE # 441, Consol DE # 439); Sumter Electric Cooperative, Inc. (CP&L DE # 442, Consol DE # 440); Caterpillar Inc. (CP&L DE # 444, Consol DE # 442); Duquesne Light Company (CP&L DE # 447, Consol DE # 446); and Dean's Light Box, Inc. (CP&L DE # 449, Consol DE # 448).

For good cause shown, these motions are ALLOWED. Plaintiff CP&L is allowed until September 10, 2010, to respond to defendant Wartburg College's motion to set aside entry of default. Scott Lewis and Hendrick Gardner, Kincheloe & Garofalo are permitted to withdraw as counsel for defendant Dean's Light Box. The untimely answers and affirmative non-CERCLA defenses attached to the motions of those defendants named herein shall be accepted for filing as if timely filed under the court's case management order entered June 15, 2010.

Plaintiff CP&L's consent motion for extension of time to respond to defendants' motion to strike (CP&L DE # 360) is DENIED AS MOOT in light of the consent protective order entered contemporaneously with this order.

SO ORDERED, this the 8th day of September, 2010.



LOUISE W. FLANAGAN
Chief United States District Judge